

HB 190 Stream Access Issues

I am all for allowing the public to access our waterways in the state of Montana and the HB 190 Stream Access Bill is a good bill except for some language that was lacking in the original bill.

The two points of issue are.

1. If FWP installs an access point such as a gate, walkover etc. it states the private landowner is released from liability. This leaves private landowners open to liability issues on access points that have not had FWP intervention.

With 1200 bridges in the state of Montana releasing liability of all private landowners adjacent to these access points should be amended in to the bill.

2. Prescriptive easement issues concerns me that the state may try to force an access point on a historically used trail across private land. When a more direct access point is available that does not interfere with private land should be used. But if the state does want an access across private land then the state and the private landowner can then come to an agreement to a point of compensation for the easement. But the private landowner that may of allowed the public to access the waterway for years through their own private land does have the right to restrict that access.

I allow the public to cross my private land even when I have livestock near the Yellowstone River, for the sake of easier access to a popular sand bar especially for our older sportsman with limited physical abilities and or families with young children spending the day on the river. (As shown in attached photo) Stumbling down the rocky river bank is tough and sometimes can be dangerous for some. But if this bill goes through without the above mentioned amendments I will unfortunately be forced to close this easier access through my property due to the risk of somebody getting hurt and filing a lawsuit against me. And the public potentially forcing a prescriptive easement through my property without my approval and or without compensation. Thank you for you consideration on this matter.

Sincerely

Stacy Bragg

p/o 417 Livingston Mt.

Allowed

Private land boundary

Legal access

Allowed access point on private land

Allowed access point on private land

Allowed access point on private land